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COUNCIL DECISION

of 16 December 2008

on the equivalence of forest reproductive material produced in third countries

(2008/971/EC)

(OJ L 345, 23.12.2008, p. 83)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Decision No 1104/2012/EU of the European Parliament and of the Council of 21 November 2012	L 328	1	28.11.2012
►**M2**	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013
►**M3**	Decision (EU) 2021/536 of the European Parliament and of the Council of 24 March 2021	L 108	1	29.3.2021

▼B

COUNCIL DECISION

of 16 December 2008

on the equivalence of forest reproductive material produced in third countries

(2008/971/EC)

Article 1

Scope

▼M1

This Decision determines the conditions under which forest reproductive material of the ‘source identified’, ‘selected’ and ‘qualified’ categories produced in a third country listed in Annex I shall be imported into the Union.

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It applies, provided that the conditions set out in Annex II and in Directives 2000/29/EC and 2001/18/EC are satisfied.

Article 2

Definitions

Definitions set out in Article 2 of Directive 1999/105/EC shall apply to this Decision.

Article 3

Equivalence

1. Systems for approval and registration of basic material and subsequent production of reproductive material from this basic material, under control of third country authorities set out in Annex I to this Decision, or under official supervision of these authorities, applied in the third countries listed in that Annex, shall be considered equivalent to those carried out by the Member States in accordance with Directive 1999/105/EC.

▼M1

2. Seed and planting stock of the ‘source identified’, ‘selected’ and ‘qualified’ categories of species listed in Annex I to Directive 1999/105/EC, produced in the third countries listed in Annex I to this Decision and officially certified by the third country authorities listed in that Annex, shall be considered equivalent to seed and planting stock complying with Directive 1999/105/EC, provided that the conditions laid down in Annex II to this Decision are satisfied.

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Article 4

Master Certificate

▼M1

When seed and planting stock enter the Union, the supplier importing this material shall inform the official body of that Member State in advance of the import. The official body shall issue a Master Certificate based on the official OECD Certificate of Provenance before the material is placed on the market.

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The Master Certificate shall indicate that the material has been imported under an equivalence regime.

Article 5

Entry into force and application

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

Article 6

Addressees

This Decision is addressed to the Member States.

▼M1

ANNEX I

Countries and authorities

Country (*)	Authority responsible for the approval and control of production
CA	National Forest Genetic Resources Centre/Centre national des ressources génétiques forestières Natural Resources Canada/Ressources naturelles Canada Canadian Forest Service-Atlantic/Service canadien des forêts -Atlantique P.O. Box 4000, FREDERICTON, NB E3B 5P7
CH	Federal Office for the Environment (FOEN) Department of the Environment, Transport, Energy and Communications (UVEK) Forest Division Federal Plant Protection Service Zürcherstraße 111 CH-8903 BIRMENSDORF
▼M3 GB (**)	Department for Environment, Food & Rural Affairs (DEFRA) Eastbrook Shaftesbury Road Cambridge CB2 8DU
▼M2 ———	
▼M1 NO	Norwegian Forest Research Institute Høgskoleveien 12 N-1432 AAS Norwegian Forest Seed Station P.O. Box 118 N-2301 HAMAR
RS	Group for Forest Reproductive Material and Genetic Resources Directorate for Forest Ministry of Agriculture, Forestry and Water Management Ministry of AFW — Directorate for Forest Omladinskih brigada 1 Novi Beograd
TR	Ministry of Environment and Forestry General Directorate of Forestation and Erosion Control Bestepe 06560 Ankara
US	USA United States Department of Agriculture, Forest Service Cooperative Forestry National Seed Laboratory 5675 Riggins Mill Road Dry Branch, Georgia 31020 OFFICIAL STATE CERTIFICATION AUTHORITIES (Authorised to issue OECD certificates through cooperative agreement with USDA Forest Service) Washington State Crop Improvement Association, Inc. 1610 NE Eastgate Blvd, Suite 610 Pullman, Washington 99163

(*) CA – Canada, CH – Switzerland, ►M3 GB – United Kingdom, ◄ ►M2 ——— ◄ NO – Norway, RS – Serbia, TR – Turkey, US – United States.

(**) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.

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ANNEX II

A. Conditions relating to seed produced in third countries

1. Seed shall be officially certified as being derived from approved basic material and the packages closed in accordance with national rules for the application of the OECD Forest seed and plant scheme. An official OECD Label shall be attached to each seed lot and accompanied by either a copy of the official OECD Certificate of Provenance or a document from the supplier giving all the information contained in the official OECD Certificate of Provenance, together with the name of the supplier.

2. In the case of seeds, the OECD label or supplier's document shall also include the following additional information assessed, as far as possible, by internationally accepted techniques:

   (a) purity: the percentage by weight of pure seed, other seed and inert matter of the product marketed as a seed lot;

   (b) the germination percentage of pure seed, or, where the germination percentage is impossible or impractical to assess, the viability percentage assessed by reference to a specified method;

   (c) the weight of 1 000 pure seeds;

   (d) the number of germinable seeds per kilogram of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.

3. By way of derogation to paragraph 2, the additional information referred to therein concerning seed testing procedures using internationally accepted techniques may be provided by the supplier importing seed before it is first marketed in the Community.

4. In order to make seed of the current year's crop rapidly available, seed may be marketed by the supplier importing it, as far as the first buyer, without having to fulfil the requirements of paragraphs 2(b) and 2(d). The supplier importing that material must state as soon as possible that he respects the requirements under paragraphs 2(b) and 2(d).

5. Requirements of paragraphs 2(b) and 2(d) do not apply in the case of small quantities of seed, as defined by Commission Regulation (EC) No 2301/2002 of 20 December 2002, laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed ([1]).

6. Seed lots shall reach a minimum species purity level of 99 %. However, in the case of closely related species, excluding artificial hybrids, the species purity of the fruit or seed lot, where it does not reach 99 %, shall be stated on the suppliers label or document.

7. By way of derogation to paragraph 1, seed in appropriate quantities may be derived from non-approved basic material:

   (a) for tests, scientific purposes or genetic conservation;

   (b) where seed units are clearly shown not to be intended for forestry purposes.

([1]) OJ L 348, 21.12.2002, p. 75.

▼B

B. Conditions relating to planting stock produced in third countries

1. The production of the planting stock shall take place in a nursery registered with the third country authorities set out in Annex I to this Decision or under the official supervision of these authorities, in the third country. An OECD label shall be attached to each consignment and accompanied either by a copy of the official OECD Certificate of Provenance or a document from the supplier giving all information contained in the official OECD Certificate of Provenance and the name of the supplier.

2. Planting stock shall comply with the requirements laid down in Annex VII, Part D, to Directive 1999/105/EC.

3. Planting stock to be marketed to the end-user in regions having a Mediterranean climate shall comply with the requirements laid down in Annex VII, Part E, to Directive 1999/105/EC.

▼M1

C. Additional conditions relating to the ‘qualified’ category of seed and planting stock produced in third countries

As regards seed or planting stock of the ‘qualified’ category, the OECD Label and the supplier’s label or document shall state whether genetic modification has been used in the production of the basic material.